

Senate Bill 42

By: Senators James of the 35th, Davenport of the 44th, Butler of the 55th and Jones of the 10th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions regarding labor and industrial relations, so as to prohibit employers from requesting credit reports on employees or prospective employees with certain exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions regarding labor and industrial relations, is amended by adding a new Code section to read as follows:

"34-1-8.

(a) As used in this Code section, the term:

(1) 'Bona fide occupational qualification' means the information contained in the credit report is related to the position for which the employee or prospective employee who is the subject of the report is being evaluated because the position:

(A) Is a managerial position which involves setting the direction or control of the business;

(B) Involves access to customers', employees', or the employer's personal or financial information other than information customarily provided in a retail transaction;

(C) Involves a fiduciary responsibility to the employer including, but not limited to, the authority to issue payments, transfer money, or enter into contracts; or

(D) Provides an expense account.

(2) 'Employee' means any person engaged in service to an employer in a business of the employer.

(3) 'Employer' means any person engaged in business who has 15 or more employees, including the state or any political subdivision of the state.

(b) No employer nor an employer's agent, representative, or designee may request that an employee or prospective employee consent to a request for a credit report that contains information about the employee's or prospective employee's credit score, credit account balances, payment history, savings or checking account balances, or savings or checking account numbers as a condition of employment unless:

(1) The information contained in such credit report is a bona fide occupational qualification;

(2) Such credit report is otherwise required by law; or

(3) The employer reasonably believes that the employee has engaged in specific activity that constitutes a violation of the law.

(c) The provisions of this Code section shall not apply to the following enumerated exceptions:

(1) Employers which are federally insured banks or credit unions; or

(2) Employers which are required by state or federal law to use individual credit history for employment purposes.

(d) Any person, entity, or corporation who violates any provision of subsection (b) of this Code section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$200.00 nor more than \$400.00."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.